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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

20 AMANDA FRLEKIN, AARON GREGOROFF,
21 SETH DOWLING, DEBRA SPEICHER and
TAYLOR KALIN, on behalf of themselves and all
others similarly situated.

No. C 13-3451 WHA (lead)
No. C 13-3775 WHA (consolidated)
No. C 13-4727 WHA (consolidated)

Plaintiffs.

24 | V.

25 || APPLE INC., a California corporation,

Defendant:

**STIPULATION AND [PROPOSED]
ORDER SHORTENING TIME FOR
HEARING ON PLAINTIFFS'
MOTION TO STRIKE/EXCLUDE
THE DECLARATION OF DR.
RANDOLPH HALL SUBMITTED IN
SUPPORT OF APPLE'S MOTION
FOR SUMMARY JUDGMENT [DKT.
322]**

1 Plaintiffs Amanda Frlekin, Aaron Gregoroff, Debra Speicher, Seth Dowling, and Taylor
2 Kalin (collectively “Plaintiffs”) and Apple Inc. (“Apple”) (together with Plaintiffs, “the Parties”),
3 by and through their counsel of record, enter into the following Stipulation, pursuant to Civil
4 Local Rule 6-2 and subject to this Court’s approval:

RECITALS

6 Whereas, on October 15, 2015, Plaintiffs filed a Motion to Strike/Exclude the Declaration
7 of Dr. Randolph Hall Submitted in Support of Apple's Motion For Summary Judgment [Dkt.
8 322] ("Motion to Strike");

9 Whereas, pursuant to Civil Local Rule 7-2(a), the Motion to Strike is currently scheduled
10 to be heard on November 19, 2015;

11 Whereas, the Parties' cross-motions for summary judgment are currently scheduled to be
12 heard on November 4, 2015;

13 Whereas, Apple will oppose the Motion to Strike, and also objects to the filing of the
14 motion, and Apple contends that a Motion to Strike is inappropriate under Civil Local Rule 7-
15 3(a) as objections to Apple's evidence, which Apple contends should be contained within
16 Plaintiffs' opposition to Apple's motion for summary judgment;

17 Whereas, no previous time modification has been made in connection with Plaintiffs'
18 motion to strike, either by stipulation or Court order;

19 Whereas, the time modification proposed herein will not affect any other deadlines or
20 schedules in this case, including Apple's opposition deadline for the motion to strike; and

21 Whereas, the Parties agree that Plaintiffs' Motion to Strike is related to the Motions for
22 Summary Judgment, such that it would be more efficient and cost effective for the motions to be
23 heard together rather than on separate days.

STIPULATION

25 Based on the foregoing facts, the parties stipulate to the following:

26 1. The hearing date for Plaintiffs' Motion to Strike will be November 4, 2015, at the
27 same time as the Parties' cross-motions for summary judgment.

2. The briefing schedule regarding the Motion to Strike will be as follows:
 - a. Opposition Brief due: October 29, 2015,
 - b. Reply Brief due: November 2, 2015.

It is so stipulated.

Dated: October 15, 2015

Respectfully submitted,

By: /s/ Kathleen Styles Rogers
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Attorneys for Plaintiffs and the Putative Class

Dated: October 15, 2015

By: /s/ *Todd K. Boyer*

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STIPULATION AND [PROPOSED] ORDER SHORTENING TIME RE: DKT. 322

Case No. 13-cv-3451-WHA

1 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

2 Pursuant to Civil Local Rule 5-1(i)(3), I attest that the concurrence in the filing of the
3 Stipulation and [Proposed] Order Shortening Time for Hearing on Plaintiffs' Motion to
4 Strike/Exclude the Declaration of Dr. Randolph Hall Submitted in Support of Apple's Motion for
5 Summary Judgment [Dkt. 322], has been obtained from the other signatory therein, Todd K.
6 Boyer, attorney for Defendant, in this matter.

7 Dated: October 15, 2015

/s/ Kathleen Styles Rogers

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STIPULATION AND [PROPOSED] ORDER SHORTENING TIME RE: DKT. 322

Case No. 13-cv-3451-WHA

ORDER

Pursuant to the parties' stipulation, the hearing on Plaintiffs' Motion to Strike/Exclude the Declaration of Dr. Randolph Hall Submitted in Support of Apple's Motion for Summary Judgment [Dkt. 322], currently set for hearing on November 19, 2015, at 8:00 a.m., is reset for hearing on November 4, 2015, at 8:00 a.m. The deadline to file an opposition brief is October 29, 2015. The deadline to file a reply brief is November 2, 2015.

IT IS SO ORDERED.

Dated:

The Honorable William Alsup
United States District Judge